

REMARKS

Upon entry of the present amendments, claims 23-68 are pending in this application. Claims 23 and 62 have been amended to correct a typographical error. No new matter has been added.

It is submitted that no new matter has been introduced by the present amendments and entry of the same is respectfully requested. By the amendments, Applicant does not acquiesce to the propriety of any of the Examiner's rejections and does not disclaim any subject matter to which Applicant is entitled. *Cf. Warner Jenkinson Co. v. Hilton-Davis Chem. Co.*, 41 U.S.P.Q.2d 1865 (U.S. 1997). Further, Applicant reserves the right to prosecute the subject matter of any canceled claim in one or more continuation, continuation-in-part, or divisional applications.

The Obviousness-type Double Patenting Rejection Should Be Withdrawn

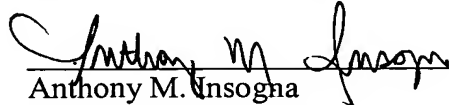
Claims 23-68 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly unpatentable over claims 1-13 of United States Patent No. 6,228,879 B1. In order to expedite the prosecution of this application and without conceding to the validity of the rejection, Applicant submits herewith a terminal disclaimer in compliance with 37 C.F.R. 1.321(c) over United States Patent No. 6,228,879 B1. Therefore, Applicant respectfully requests that the obviousness-type double patenting rejection of claims 23-68 be withdrawn.

CONCLUSION

Applicant respectfully requests that the above remarks and accompanying documents be entered in the present application file. An early allowance of the application is respectfully requested.

Respectfully submitted,

Date: June 25, 2003


Anthony M. Insogna

35,203

(Reg. No.)

PENNIE & EDMONDS LLP

1155 Avenue of the Americas

New York, New York 10036-2711

(212) 790-9090